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NIXON & VANDERHYE, P.C.
1100 N. GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201

APR 11 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Satoshi Nishiumi, et al.
Application No. 10/042,175
Filed: January 11, 2002
For: **THREE-DIMENSIONAL IMAGE
PROCESSING APPARATUS**

DECISION ON PETITION

This is a decision on the request filed April 13, 2004, which is treated as a Petition to Withdraw Holding of Abandonment, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The application was held abandoned for failure to respond in a timely manner and effective manner to the Office communication mailed April 28, 2003. A Notice of Abandonment was mailed March 24, 2004.

Petitioner alleges to have timely filed a response to said Office communication on June 26, 2003. In support thereof, Petitioner provided evidence in the way of a copy of the amendment, terminal disclaimer and a date stamped post card receipt which itemizes the receipt of an amendment and terminal disclaimer on June 26, 2003.

A review of the file records reveals that the original amendment and terminal disclaimer filed on June 26, 2003 has been located and matched with the file. Further review reveals that the Notice of Abandonment was rescinded, i.e., without formal reply to the subject petition. On July 9, 2004 a new non-final Office communication was mailed. On January 27, 2005, the file record reveals an interview summary which indicates that it is applicants' desire to abandon the application. A Notice of Abandonment was mailed on January 27, 2005.

For the record, applicants' response of June 26, 2003 was received, matched with the file and the holding of abandonment was withdrawn. The petition is Dismissed as Moot. Delay in receiving, addressing applicants' petition and any inconvenience caused petitioner are regretted.

In view of the above stated interview summary and Notice of Abandonment of January 27, 2005, the application is abandoned.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications